

General Permit for Sediment Removal for Stream Remediation

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

This general permit authorizes certain stream remediation activities that serve the purpose of removing recently deposited sediment from stream beds, stream banks and riparian lands that result from releases from construction sites. These deposits shall be confined within areas that can be readily accessed and removed without additional harm to the shape and stability of the stream channel.

Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

Exclusions

This general permit shall not be used to authorize activities in the following circumstances:

- (a) where the proposed activity may adversely affect wetlands;
- (b) when the removal of material from the stream is for the purpose of flood control or channelization;
- (c) where a portion of the proposed activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the activity will likely mobilize the contaminated sediments;
- (d) when the proposed activity will adversely affect a species formally listed on either State or Federal lists of threatened or endangered species or their critical habitat;
- (e) when the department determines that the proposed activities, either individually or cumulatively, may result in degradation to waters of the state; or
- (f) when an individual permit is otherwise required.

Projects not qualifying for authorization under this general permit, may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

Applicants proposing to perform sediment removal and stream remediation activities in waters of the state shall notify the division in a two step process involving the sediment removal and the subsequent restoration of the stream. The applicant shall submit an original, signed application along with the following minimum information:

- 1) Immediately following sediment release applicant shall submit the following:
 - (a) a cover letter explaining the basic nature and scope of the project;
 - (b) a USGS topographical map showing the exact location of the proposed project; and
 - (c) a single copy of construction plans and drawings which shall include:
 - (i) TDEC / WPC permit numbers;
 - (ii) EPSC methods to be employed during sediment removal activities;
 - (iii) Name of receiving stream(s);
 - (iv) List of known threatened or endangered species;
 - (v) Photographs of stream prior to discharge (recommended);
 - (vi) Narrative of events that lead to the discharge;
 - (vii) Characteristics of discharge;
 - (viii) Dimensions of deposit(s); and
 - (ix) Proposed method of sediment removal;
- 2) Within seven days of sediment removal, applicant shall submit the following:
 - (a) a cover letter explaining the basic nature and scope of the project;
 - (b) Detailed plans for the proposed method of stream restoration.

Work shall not commence until the applicant has been notified by the division that the proposed activities may proceed under this general permit or that an individual permit has been issued.

All activities covered under this general permit shall comply with all terms and conditions contained hereinafter.

Terms and Conditions

- 1) The work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the above mentioned application and the limitations, requirements, and conditions set forth herein.
- 2) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.
- 3) Equipment that will cause the least amount of damage to the environment shall be selected for performing stream remediation. Hand tools and equipment such as buckets and shovels shall be used when practicable.
- 4) The remediation work shall be done in the dry to the maximum extent practicable.
- 5) Stream beds shall not be used as transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream banks are disturbed. Stream crossings should be constructed of clean rock and stream flow should be conveyed in appropriately sized pipe. The crossing shall be constructed so that stream flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.
- 6) Materials used in sediment removal and stream remediation work shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris and other wastes as defined by T.C.A. 69-3-103(18).
- 7) Excavated materials, removed vegetation, construction debris, and other wastes shall be removed to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterway.
- 8) Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
- 9) Erosion and sediment controls shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.
- 10) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the project.
- 11) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited.
- 12) Soil stabilization shall be accomplished within 7 days after final work. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.
- 13) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the State. All spills shall be reported to the appropriate emergency management agency and to the Division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the State, including groundwater.
- 14) The activity shall be conducted in a manner that is not harmful or injurious to fish and aquatic life or that otherwise impairs the usefulness of waters of the state for any of the uses designated by Rule 1200-4-4. These uses include fish and aquatic life, livestock watering and wildlife, recreation, irrigation, industrial water supply, domestic water supply, and navigation.
- 15) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
- 16) The division will establish an expiration date for coverage under this general permit that is specific to the authorization and separate from the general permit expiration date.

APPROVED: _____



Paul E. Davis, Director, Water Pollution Control

DATE: 6-30-05